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*Torlakson, in his official capacity as the State*  
*Superintendent of Public Instruction, and State*  
*Board of Education*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**EMMA C., et al.,**

Plaintiffs,

**v.**

**TORLAKSON, et al.,**

Defendants.

3:96-cv-04179-VC

**STATE DEFENDANTS' PHASE 2  
SUBMISSION PURSUANT TO 5/18/18  
ORDER RE STATE'S OBLIGATIONS  
UNDER CONSENT DECREE AND  
9/11/18 ORDER CLARIFYING SCOPE  
OF PHASE 2 PROCEEDINGS**

Judge: The Honorable Vince Chhabria

Pursuant to the Court’s May 18, 2018 Order re State’s Obligations Under Consent Decree (Dkt. 2387) (the “5/18/18 Order”) and the September 11, 2018 Order Clarifying Scope of Phase 2 Proceedings (Dkt. 2439) (the “9/11/18 Order”), Defendants California Department of Education (“CDE”), Tom Torlakson, in his official capacity as the State Superintendent of Public Instruction, and State Board of Education (collectively, “State Defendants” or the “State”) hereby submit their Compliance Report for Phase 2 – Annual Data Use<sup>1</sup> (the “Phase 2 Compliance Report”), attached hereto as Exhibit 1, to demonstrate that the State’s data analysis activities are sufficient to allow the State to effectively fulfill its monitoring and enforcement duties under the Individuals with Disabilities Act (the “IDEA”). Consistent with the 9/11/18 Order, the Phase 2 Compliance Report also addresses why the State’s decision to issue annual determinations for certain school districts<sup>2</sup> based on data analysis alone, without further targeted monitoring activities, is sufficient to fulfill its obligations under the IDEA.

Dated: December 7, 2018

Respectfully Submitted,

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/s/ Kirin K. Gill  
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<sup>1</sup> Where necessary, State Defendants have appended documents as evidentiary support for the Phase 2 Compliance Report (identified as “Attachment \_\_\_” throughout).

<sup>2</sup> State Defendants refer to school districts as local educational agencies (“LEAs”) throughout the Phase 2 Compliance Report.